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TESTIMONY ON SB564/HB691 – POSITION: FAVORABLE

Landlord and Tenant and Wrongful Detainer - Eviction Prevention Services

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Mark Martin, on behalf of Jews United for Justice

My name is Mark Martin and I live in Baltimore City in District 40. I am submitting this testimony on behalf of Jews United for Justice (JUFJ) in support of SB564/HB691. JUFJ organizes more than 6,000 Jewish Marylanders and allies in support of local and state campaigns for social, racial, and economic justice.

Jewish sacred texts recognize that having safe, stable housing is key to a healthy society, and that society has an obligation to ensure that people can remain in their homes, especially during a pandemic.

As a lawyer who has for years provided pro bono legal information to people caught up in rent court in the District of Columbia, I have seen first-hand the problems tenants face, most devastatingly, the fears and disruption associated with evictions. Regrettably, rent courts in Maryland are so tilted in favor of landlords that they fuel the state's unconscionably high eviction rates, with tragic consequences for those made homeless, who are disproportionately Black women, and the larger community.

Last session, the General Assembly took the important step of requiring landlords to give tenants a 10-day notice before suing for failure to pay rent, by passing HB18. But the rent court process is still far too compressed to be fair to tenants. After the notice period, tenants can be required to appear in court for trial in just five days, too soon adequately to prepare a defense. By contrast, in DC a tenant has 21 days after a case is filed to appear for an *initial* hearing, with a trial on the merits at least several weeks later. **Maryland can and must do much more to stop its rent courts from continuing to serve as an assembly line to eviction.**

SB564/HB691 furthers that goal. The straightforward, commonsense changes it proposes are designed to foster an eviction-prevention approach to resolution of landlord-tenant disputes, and thereby promote access to safe and stable housing. And the bill will also facilitate implementation of the access to counsel program established by HB18, by connecting tenants with lawyers in court and providing the time for them to receive assistance.

The bill requires courts to grant a recess on the day of trial to permit parties to access eviction prevention services such as lawyers, mediators, or rental assistance programs that are available at the courthouse. It is common in DC rent courts for tenants, on hearing day, to consult with on-site lawyers or mediators, which often leads to dismissals or mutually agreeable settlements of cases, rather than trials and judgments of eviction.

SB564/HB691 also requires courts to grant reasonable continuances of the trial date, of no fewer than five business days, for the purpose of obtaining legal representation or amassing evidence. (The law currently limits continuances to one day, which is wholly inadequate.) This change is completely workable -- the time frame is shorter than what is standard in DC -- and will give tenants a meaningful opportunity to prepare their defenses to eviction, without compromising landlords' legitimate interests.

Many state and local jurisdictions throughout the country have established eviction diversion programs. They work: cases are less likely to go to trial and more likely to be settled; hearings run more smoothly; landlords bring fewer non-meritorious cases, and also end up receiving payment for past-due rent while avoiding costs associated with eviction proceedings and finding new tenants -- and tenants remain in their homes, ensuring housing security and reducing potential stress on the social safety net.

Maryland should follow suit by making eviction diversion services readily available and accessible by providing reasonable time to benefit from the services. **On behalf of JUFJ, I respectfully urge the committee to return a favorable report on SB564/HB691.**